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09/653,498	08/31/2000	Sharon K. Heidenreich	020375-021100US	4793

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/05/2004

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 16

Application Number: 09/653,498
Filing Date: August 31, 2000
Appellant(s): HEIDENREICH ET AL.

Patrick Boucher
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 16, 2004.

Art Unit: 3627

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-24 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

5,057,677	BERTAGNA ET AL.	10-1991
6,003,008	POSTREL ET AL.	12-1999
5,367,452	GALLERY ET AL.	11-1994
5,873,069	REUHL ET AL.	2-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 10-13, and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,057,677 (Bertagna et al.) in view of U.S. Patent No. 6,003,008 (Postrel et al.). A detailed analysis of this rejection is available in the Final Office Action (paper #9) in section 3.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna et al. in view of Postrel et al. as applied to claims 6 above, and further in view of U.S. Patent No. 5,367,452 (Gallery et al.). A detailed analysis of this rejection is available in the Final Office Action (paper #9) in section 4.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna et al. in view of Postrel et al. as applied to claims 6 and 13 above, and further in view of U.S. Patent No. 5,873,069 (Reuhl et al.). A detailed analysis of this rejection is available in the Final Office Action (paper #9) in section 5.

(11) Response to Argument

On page 4, first paragraph under section "8. Argument", Appellant argues that the Examiner's rejection under 35 U.S.C. § 103 fails to disclose all the limitations of the claims be taught or suggested by the cited references and that there be some suggestion or motivation to combine or modify the reference teachings as required by MPEP 2143. The Examiner respectfully disagrees as will discussed in detail below.

On page 5, first paragraph, Appellant notes that there appear to be a number of errors in the citations to Postrel so that the basis for the rejections is unclear. More specifically, Appellant points out three supposed citation errors related to Postrel. After careful review of the applied reference U.S. Patent No. 6,003,008 (hereinafter "Postrel '008"), the Examiner respectfully disagrees with Appellant's assertion that there are errors in the citations relied upon in the Final Rejection. First, Appellant alleges that reference number 30 of Postrel refers to a side wall of a bill-dispensing unit. Appellant's interpretation of the reference is incorrect. As set forth in the Final Rejection, Postrel '008 discloses that reference number 30 is a currency storage drawer (see column 5, line 18). Secondly, Appellant alleges that the Examiner's citation of Column 15, lines 10-15 is an error because Postrel runs only to 8 columns. Once again, Appellant's interpretation of the reference is incorrect. Postrel '008 includes 26 columns of text. Finally, Appellant alleges that Figure 3, as cited by the Examiner, fails to disclose a drawer having locked and unlocked positions in a point-of-sale cart. Again, Appellant's interpretation of the reference is incorrect. Postrel '008 clearly disclose a currency storage drawer 30 in the open (unlocked) position. After a careful inspection of all cited prior art references, it appears that Appellant's arguments are improperly focused on U.S. Patent No. 6,027,025 (hereinafter "Postrel

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'025'') as opposed to the reference relied upon the rejections, U.S. Patent No. 6,003,008. Postrel '025 was merely cited of interest and not relied upon in the rejections. The Final Office Action clearly sets forth that Postrel '008 is the reference relied upon in the 35 U.S.C. § 103 rejection (see Detailed Action from 7/21/03, section 3).

On page 5, first full paragraph, Appellant argues that Postrel fails to disclose a drawer as defined in Exhibit 2. Since Appellant is analyzing the wrong reference, Appellant's argument is moot. The applied reference, Postrel '008, clearly discloses a "currency storage drawer" (see Figure 3 and column 5, line 18).

On page 6, second full paragraph, Appellant argues that the Office Action fails to establish the required motivation to combine the teachings of Bertagna with those of Postrel. More specifically, Appellant's argue that the Examiner is relying on hindsight to combine the references. First, Appellant's arguments are directed to the wrong reference as set forth above. For that reason alone, Appellant's argument of hindsight is moot. However, the Examiner's motivation for combining Bertagna and Postrel '008 comes directly from Postrel '008 (see column 1, line 56-column 2, line 4) wherein Postrel '008 sets forth a need for securing currency in the cart. Postrel '008 states that a need exists "for a point of sale device which can securely store currency and other valuable object so as to permit ready access by authorized persons, at the same time, discouraging an pilferage or **theft** of the contents by unauthorized persons" (attention added by the Examiner). Additionally, Postrel '008 notes in column 1, lines 19-32 that flight attendants typically store cash received during transactions in a small pouch or a pocket. According to Postrel '008, these typical manual transactions are time consuming, error prone, and often times do not provide a desirable professional image for the service providers.

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Since Bertagna is silent regarding currency security, it would have been obvious to modify Bertagna with the security drawer of Postrel '008 to prevent currency theft by unauthorized persons.

On page 7, Appellant argues that Postrel fails to suggest integrating a currency storage device with an aircraft cart. Once again, Appellant's allegation is moot merely because Appellant is arguing the wrong reference. However, Postrel '008 states in column 1, lines 7-10, that the current invention relates to a point of sale device adapted for use onboard "aircraft".

In conclusion, the Examiner maintains the rejections set forth in the Final Office Action. Appellant's arguments are moot because Appellant failed to argue against the reference relied applied in the Final Office Action, Postrel '008. Appellant's arguments were directed to Postrel '025, not Postrel '008. The Final Office Action clearly distinguished between the two Postrel references in section 3 of the Office Action. Appellant even acknowledges in this Appeal Brief that Postrel '008 was relied in the Final Office Action (see section 6. Issues). Even if Appellant's arguments were directed to the applied reference, the 35 U.S.C. § 103 rejection of Bertagna in view Postrel '008 remains proper and should be sustained.

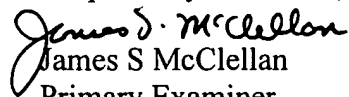
For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

James S. McClellan

Primary Examiner

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jsm

February 4, 2004

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